Before the

Federal Communications Commission

Washington, D.C. 20554

In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment	)))	WC Docket No. 17-84

REPLY COMMENTS OF
THE NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES

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EXECUTIVE SUMMARY

The National Association of State Utility Consumer Advocates ("NASUCA") file these reply comments on the questions presented by the Commission's Further Notice of Proposed Rulemaking ("FNPRM").

With regard to overlashing, based on the record, and the experience of states, NASUCA continues to support an approach that addresses the need to ease deployment without forsaking safety and reliability. We support the Commission's proposal to provide further clarity and uniformity by codifying its existing rules and precedents on overlashing. We also believe that one-touch-make-ready rules would streamline the overlash process.

With respect to proposals to modify the Section 214(a) Discontinuance process, the comments and the record show that the proposals to streamline the discontinuance process by applying the requirements only in limited areas, forbearance, or relying on carrier self-certification are not in the public interest and will harm consumers.

With regard to outreach requirements associated with service disconnection rules, the Commission should retain these requirements to ensure that all customers understand the changes that are taking place and how they may, or may not, impact the essential communications services they depend on.

With regard to notice requirements for network changes affecting Customer Premises Equipment ("CPE"), the Commission should not adopt the suggestion from the Incumbent Local Exchange Carriers ("ILECS") that these notice requirements be eliminated. The ILECs are fully aware of general types of CPE routinely used by customers across the country and the fact that a given network change might affect render equipment and associated essential functions inoperable impaired. Such changes can adversely affect public safety. For example, these would include changes that impact a customer's ability to call 911, or cause medic alert or alarm systems to cease functioning.

Finally, with respect to short term network change notices, the Commission should not adopt AT&T's proposal to modify the waiting period so that it is calculated by the date that an ILEC files its notice, rather than from the date the Commission releases its public notice. It is important for competitors (and, consequently, their customers) to have adequate notice to ensure continued reliable service. AT&T's proposal would result in an insufficient notice period.

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I. INTRODUCTION

The National Association of State Utility Consumer Advocates ("NASUCA")[1] files these Reply Comments in response to the Federal Communication Commission's ("FCC" or "Commission") Further Notice of Proposed Rulemaking ("FNPRM") in the above-captioned proceeding.[2] NASUCA supports the Commission's goals of promoting the deployment of more wireline broadband facilities. Deployment of wireline broadband facilities remains an important means for assuring that the public continues to have access to universally available, affordable and *adequate* voice and other advanced services provided over the ever-evolving, national

[1] NASUCA is a voluntary association of 56 consumer advocate offices. NASUCA members represent the interests of utility consumers in 42 states, the District of Columbia, Puerto Rico, Barbados and Jamaica. NASUCA is incorporated in Florida as a non-profit corporation. NASUCA's full members are designated by the laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. Members operate independently from state utility commissions. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (e.g., the state Attorney General's office). NASUCA's associate and affiliate members also represent the interests of utility consumers but are not created by state law or do not have statewide authority. Some NASUCA member offices advocate in states whose respective state commissions do not have jurisdiction over certain telecommunications issues.

[2] Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, WC Docket No. 17-84, FCC 17-154 (rel. Nov. 29, 2017) ("2017 Report and Order and FNPRM").

communications network. This fundamental objective remains the task of the Commission, at the direction of Congress, regardless of the technology used to provide essential communications services.[3] It is vitally important that rules adopted by the Commission promoting the deployment of wireline broadband do so in a way that continues to ensure reliable, safe and adequate service for all customers.

II. CODIFYING COMMISSION RULES REGARDING OVERLASHING SHOULD CLARIFY RULES AND PROCESSES WHILE ENSURING PUBLIC SAFETY AND RELIABILITY.

A. Advance Notice of Overlashing Is Warranted To Ensure Public Safety and Reliability.

NASUCA applauds the Commission's work on removing obstacles that may impede or delay the delivery of essential and vital broadband services to consumers. Pole attachments are a key input for many broadband deployment projects. Reforms that reduce pole attachment costs and speed access to utility poles would remove significant barriers to broadband infrastructure deployment and service to consumers with the voice, data, and video products that modern life demands. However, some commenters urge the Commission to adopt rules eliminating prior notice and approval for overlashing, potentially forsaking safety and reliability in exchange for deployment. NASUCA disagrees with any approach that would unduly jeopardize consumer safety or service reliability. NASUCA agrees and supports the Commission's proposal to provide further clarity and uniformity by codifying rules on overlashing in an effort to foster faster deployment of services to consumers while ensuring safety, reliability and generally accepted engineering practices.

[3] 47 U.S.C. § 151; *see also* AARP June 15, 2017 Comments, p. 27.

NASUCA cautions the Commission against adoption of "attach and notice" rules supported by some commenters, like the Fiber Broadband Association.[4] Verizon goes farther and argues that the Commission should not require advance notice of overlashing and should prohibit utilities from requiring advance notice. These proposals are unnecessary and would be detrimental to public safety.

The Commission would benefit from having its staff consult with states and review the evidence that has guided state notice requirements. In the last few years, several state public utility commissions, with the cooperation of industry participants, have adopted advance notice and approval procedures for overlashing. These include Arkansas, Ohio, Washington, Louisiana, Iowa and Utah.[5] Most recently in Connecticut, the Public Utilities Regulatory Authority is conducting a proceeding to determine whether a full pole loading analysis should be required when a third-party attacher seeks to perform overlashing, or whether development of a pole database might better balance the dueling concerns of pole integrity and safety versus broadband infrastructure development. That is because many poles should be able to accept the minimal additional load that can arise from a single or small number of overlashes on an existing attachment, but some poles cannot. A pole database would help streamline these determinations because it would show existing load on the poles and the results of the full pole loading analysis conducted during the most recent attachment. The record in Connecticut and experience throughout the country have shown that prior notice to pole owners of all overlashing activity is necessary for developing a process to allow for the timely installation of additional facilities to

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[4] Fiber Broadband Association., Comments, (January 17, 2018), pp. *8-9.* Verizon comments, pp. 18-19, January 17, 2018.

[5] The Edison Electric Institute, Comments (January 17, 2018), pp. 8-10.

existing poles while maintaining the integrity of the pole line.[6] It is essential that the Commission's new rules clearly define the term "overlashing" in a manner consistent with the Commission's prior orders, and reaffirm certain rights accorded to pole owners under section 224.[7] These include the rights to: 1) be notified of overlashing;[8] 2) assess the impact of overlashing on poles, and require make-ready as needed, at the expense of the host attacher;[9] and 3) deny overlashing based on capacity, safety, reliability, and engineering considerations.[10]

B. Adoption of One-Touch Make Ready Rules Would Streamline the Overlash Process.

Another useful example of an entity appropriately striking a proper balance between easing pole attachment obstacles and ensuring safety is the City of San Antonio, Texas Public Service Board. The Board has successfully implemented a one-touch make ready (OTMR) program[11] for wireline and wireless attachments to create efficiencies in broadband infrastructure development. The Board also noted that the FCC rules should require prior notice, stating that

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[6] PURA Investigation Into The Appointment Of A Third Party Statewide Utility Telephone Pole Administrator For The State Of Connecticut - Overlash Requirements, Docket No. 11-03-07RE0. Briefs of the Office of Consumer Counsel, p. 1, January 5, 2018, and of the United Illuminating Company at p. 1, January 5, 2018.

[7] The Commission previously defined "overlashing" as the practice whereby a service provider physically ties wiring to other wiring already secured to the pole… to accommodate additional strands of fiber or coaxial cable on existing pole attachments. *In the Matter of Implementation of Section 703(e) of the Telecommunications Act of 1996: Amendment of the Commission's Rules and Policies Governing Pole Attachments*, CS Docket No. 97-151, Report and Order, FCC 98-20 at ¶ 59, *aff'd sub nom National Cable & Telecommunications Assn., Inc. v. Gulf Power Co*., 534 U.S. 327 (2002) ("1998 Telecom Order").

[8] In re *Amendment of the Commission's Rules and Policies Governing Pole Attachments*, CS Docket No. 97-151, Consolidated Partial Order on Reconsideration, FCC 01-170, 16 F.C.C. Rcd. 12103 at ¶ 82 ("2001 Consolidated Order"), *aff'd, Southern Co. Serv. Inc. v. FCC*, 313 F.3d 574 (D.C. Cir. 2002).

[9] *Southern Co. Serv. Inc.*, 313 F.3d 574, 582 (D.C. Cir. 2002); 2001 Consolidated Order, ¶77.

[10] 1998 Telecom Order at ¶ 68; and *Southern Co. Serv. Inc.*, ¶73.

[11] Under one-touch-make-ready, all make-ready work for a pole is performed at one time, by a single crew.

"the goals of achieving any such efficiencies must not be allowed to impair the safety, security or reliability of the electric system or other existing attachments."[12]

NASUCA joins other commenters in support of codification of an OTMR rule as a vehicle for streamlining the overlash process.[13] NASUCA agrees with commenters that codifying OTMR makes good business sense, effectively promotes broadband infrastructure development, and protects the public. It reduces costs, and also reduces inefficiencies that may be caused by delays due to bad weather, illness, or emergency situations that divert work crews.[14]

NASUCA welcomes new technologies and more consumer options that come with increased deployment opportunities by streamlining the overlashing process. However, the Commission, in collaboration with state regulators, should ensure that deployment of services through overlashing does not endanger essential consumer protections such as safety and reliability along the way. Therefore, in accordance with Commission precedent and as discussed above, NASUCA encourages the Commission to (1) codify its existing overlashing precedents; (2) clarify that overlasher must provide and engage in "notice and attach" procedures; (3) codify

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[12] The City of San Antonio, Texas, City Public Service Board, Comments (January 17, 2018), pp. 5-8.

[13] NASUCA Resolution 2017-09, Urging Federal Officials to Recognize State and Local Authority to Manage Telecommunication Pole Attachments To Ensure Safe, Efficient and Equitable Practices, Approved November 12, 2017. 47 U.S.C. § 253(b), which provides that a State may adopt "on a competitively neutral basis and consistent with Section 254, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers." See also, Implementation of Section 224 of the Act; A National Broadband Plan for Our Future, WC Docket No. 07-245, GN Docket No. 09-51, Order and Further Notice of Proposed Rulemaking, 25 FCC Rcd 11864, 11873, ¶ 17 (2010). Absent a one-touch make-ready process, preparing poles for fiber optic deployment requires coordination between multiple entities, including competitors with an incentive to impede the ability of alternative providers to deploy equipment. *See*, for example, *AT&T v. Louisville* (Google Fiber), *BellSouth Telecomms., LLC v. Louisville/Jefferson Cty. Metro Gov't,* 2017 U.S. Dist. LEXIS 130270, 2017 WL 3528557, August 16, 2017. The court found that Louisville's one-touch make-ready law, Ordinance No. 21, falls within Louisville's authority to manage its rights-of-way and was valid.

[14] Google Fiber, Inc., February 1, 2018 Ex Parte letter filed in WC 17-84, pp. 1-2.

a one-touch make ready rule; and (4) clarify that any amendments to overlashing procedures and standards must remain consistent with safety, reliability, and generally accepted industry engineering practices.

III. THE COMMISSION SHOULD REJECT PROPOSALS TO MODIFY THE SECTION 214 DISCONTINUANCE PROCESS.

Incumbent Local Exchange Carriers ("ILECS" or "carriers") Verizon, AT&T and CenturyLink [15] argue that the Commission should "streamline" the Section 214 discontinuance process for interstate legacy voice services. They argue that Section 214(a) should only apply in situations where "a community has no modern alternative after a provider discontinues a legacy voice offering" and that the Commission should otherwise hold that no Section 214(a) application is required.[16] Verizon suggests that the Commission should accomplish this through a declaratory order. Alternatively, Verizon and CenturyLink ask the Commission to forbear from enforcing Section 214(a) with respect to legacy voice services.[17]

Should the Commission choose not to adopt the "streamlining" or forbearance proposals, the carriers suggest that the Commission should instead require a carrier proposing to eliminate a service notify its customers and self-certify to the FCC that a fixed or mobile voice service, including interconnected VoIP service, is available to the same community from the applicant or an alternative provider.[18] AT&T stresses that only one of these conditions need be present, namely that a carrier should only have to certify that either 1) it provides interconnected VoIP

[15] Verizon Comments (January 17, 2018), pp. 3-11; AT&T Comments (January 17, 2018), pp. 5-7; CenturyLink Comments (January 17, 2018), pp. 15-18.
[16] Verizon, p. 4.
[17] Verizon, pp. 4-5; CenturyLink, pp. 16-17.
[18] Verizon, p. 10.

throughout the affected service area; *or* 2) that an alternative provider offers service.[19] Verizon claims that this "proposed test balances consumers' interests in service continuity with providers' interest in focusing their efforts on next-generation networks" and would require providers to continue legacy services "only in those rate instances (if any exist at all) when their absence would cut consumers completely off from the nation's telephone network."[20]

The National Rural Electrical Cooperative Association ("NRECA") has accurately characterized the ILECs' proposals as a "take-it-or-leave-it" approach.[21] "Essentially, the ILECs' position is that business [and retail] customers must either accept the wireline replacement service 'as is' or decline the service."[22] Windstream correctly points out that "such a regime would permit incumbent LECs to decide unilaterally whether a discontinuance is part of an 'upgrade' and whether suitable alternatives are available."[23] As the Consumer Groups and RERCs point out, in its 2017 Tech Transitions Order the Commission significantly pared back copper retirement notice requirements and stated that concerns about copper retirements resulting from discontinuation of service would be properly handled by the Section 214(a) process.[24] Now, carriers want to jettison much of that process. Windstream notes that under the Section 214 (a) process, the commission considers numerous factors in evaluating Section 214(a) applications, "including the 'existence, availability, and adequacy of alternatives,' and 'increased charges for alternative services.' Not just the availability of alternatives or 'upgraded' services is relevant, but also the cost of such alternatives, and whether they provide comparable

[19] AT&T, p. 6. CenturyLink endorses AT&T's proposal. CenturyLink, p. 17.
[20] AT&T, p. 10.
[21] NRECA Comments (January 17, 2018), p. 9.
[22] *Id.*
[23] Windstream Comments (January 17, 2018), p. 4.
[24] Consumer Groups and RERCs Comments (January 17, 2018), p. 8.

functionality."[25]

NASUCA agrees with Windstream that granting "blanket discontinuance authority," as the ILECS propose, would mean the Commission would be abrogating its responsibility.[26] The record does not support Commission adoption of such drastic revisions to the Section 214 (a) discontinuance process for legacy voice service.

The ILECs' self-certification proposal is insufficient. The Commission has an obligation to ensure, 1) that network transitions result in continued provision of adequate, affordable, reliable service; and 2) that any claimed alternative provider possesses the means and ability to operate a network that is scalable, capable of evolving to support further advances in services, and supports the continued provision of adequate, affordable voice service. Notably absent from the carrier proposals is any discussion of how the Commission might verify that an adequate substitute service exists for an entire affected community. And self-certification cannot be a one-sided exercise where the carrier submits information, but the opportunity for customers, states, government agencies and enterprises that rely on telecommunications service to assess the proposal is limited to the point that a meaningful opportunity to be heard is not part of the process. As CWA put it, "absent Commission review and public comment, how can the Commission determine whether the Applicant's self-certification is accurate throughout the affected service area?"[27]

As NRECA points out, reliable voice communications are essential "on both a day-to-day basis and in the event of man-made emergencies or severe, adverse weather conditions."[28]

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[25] Windstream, p. 4.
[26] *Id.*, pp. 4-5.
[27] CWA Comments (January 17, 2018), p. 5.
[28] NRECA, p. 7.

Moreover, options for alternatives to legacy services are limited for rural customers, including utilities, business customers and government agencies. For example, the largest ILECs are on record before the Commission and in multiple other forums with their desire to replace legacy wireline service with one or more forms of mobile service. However, as NRECA points out,

> [M]obile service is a "best efforts" service; there are no service level agreements or commitments. While Commercial mobile networks are improving in terms of resiliency, the day-in, day-out availability and reliability of mobile service can vary significantly and does not approximate the reliability of legacy wireline voice services. "Dropped calls" or "dead zones" are not a concern with legacy wireline voice services. It is also our members' experience that their local wireline carriers do provision additional service, lines or capacity in a reasonable manner upon request. While mobile service providers will always sell additional lines upon request, mobile service providers do not systematically respond to customer requests for additional cell capacity to accommodate customer's peak demands for service.[29]

NASUCA agrees with Consumer Groups and RERCs who argue that "now is not the time" to further change the Section 214(a) discontinuance process because the transition from legacy to IP-based services "will impact the ability of TTY and analog captioned telephone users to reliably access communications networks."[30] Consumer Groups and RERCs further point out that the record shows the full impacts of tech transitions are not yet understood and the market is not yet equipped to address such uncertainties.[31] Current market data do show that many consumers have adopted “fiber, IP-based and wireless alternatives” (which Verizon describes as “next-generation”).[32] But the “ready ability” of those services[33] cannot hide the fact that *more than half* of consumers still subscribe to legacy services.[34] And half of wireless customers

[29] *Id*.
[30] Consumer Groups and RERCs, p. 8.
[31] *Id.*
[32] FNPRM, ¶ 175.
[33] *Id.*
[34] “Voice Telephone Services: Status as of June 30, 2016 (April 2017), pp. 2-6.

continue to also have wireline service.[35] CWA rightly points out that there are "48 million consumers, businesses, and government agencies that rely on the legacy voice network."[36]

With respect to forbearance, the ILECs have made no showing that the criteria of 47 U.S.C. § 160 are met under their proposals. As explained by the NRECA, pursuant to the statute, the Commission "shall forbear from" applying a statute or regulation if the following criteria are met:

> • The applicable regulations are not necessary to ensure that the services are provided on a just and reasonable basis, not an unjustly or unreasonably discriminatory basis [sic];
>
> • The regulations are not necessary to protect customers; and
>
> • The requested forbearance is in the public interest.[37]

The record in this proceeding shows that "enforcement of these discontinuance requirements [is] necessary to ensure consumer protection during the ongoing technology transition to next-generation networks and services."[38] Such forbearance is not consistent with the public interest, as explained by NRECA, Consumer Groups, RERC, and CWA.[39]

The ILECs' proposed forbearance test is unreasonable. The provision that the carrier (incumbent) provides interconnected VoIP service throughout the affected service area[40] presumes – incorrectly – that incumbent-provided VoIP is equivalent to legacy voice,[41] and (2) that "at least one other alternative voice service" is also equivalent.[42] As NRECA points out,

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[35] See CDC Report (https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201712.pdf) at 1.
[36] CWA, p. 3.
[37] NRECA, p. 4.
[38] FNPRM, ¶ 174.
[39] NRECA, pp. 4-7; Consumer Groups & RERCs, pp. 8-10; CWA, pp. 5-6.
[40] FNPRM, ¶ 171.
[41] *Id.*, ¶ 172. See FCC amicus Brief in *Charter, et al v Lange, et al.* (8th Cir. No. 17-2290), October 26, 2017.
[42] FNPRM, ¶ 171.

VoIP is not ubiquitous in rural areas.[43] So, the definition of "alternative voice service" is crucial. The FCC has never defined this.[44] And this point in this docket is not the place to define it. Assessing Verizon's proposal requires such a definition.[45]

NRECA opposes many of the carriers' proposed revisions to Section 214(a) requirements because its members provide an essential utility service and must be assured that their telecommunications services will continue to be reliable and provided at reasonable prices.[46] The same holds true for retail and wholesale customers.

IV. THE COMMISSION SHOULD RETAIN OUTREACH REQUIREMENTS ASSOCIATED WITH SERVICE DISCONNECTION RULES.

AT&T, Verizon and CenturyLink[47] all concur that the Commission should eliminate the customer outreach requirements adopted in the 2016 Technology Transitions Order. The rules mandate that "carriers offer an adequate outreach plan when discontinuing legacy voice services."[48] It was adopted to ensure that customers, including the nation's most vulnerable customers, understand the changes taking place and how they may or may not impact the communications services they depend on.[49] There is no policy basis for eliminating these requirements.

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43 NRECA, pp. 4-5.
44 *Id.*
45 And the granular market-specific information required to apply the test (*see* FNPRM ¶ 173) would have to be carefully evaluated; the ILECs' assertions should not be automatically accepted.
46 NRECA, pp. 6-9.
47 AT&T, pp. 7-8; Verizon, pp. 11-12; CenturyLink, pp. 14-15.
48 FNPRM at ¶116.
49 Public Knowledge and Centre for Rural Strategies Comments (January 17, 2018), pp. 6-7.

The rules are not burdensome. The intent of the outreach requirements is to make the transition as painless as possible and to help minimize disruptions to essential services. The rules require ILECs to provide customers with materials that explain the changes to the service, the impact on existing services and functionalities, price changes and points of contact for questions, along with an accessible hotline dedicated to answering questions about technology transitions. They also require staff trained to assist customers with disabilities.[50] These are reasonable obligations for carriers providing essential communications services. As CWA observed, "[g]iving people, businesses and government agencies the time and education they need to prepare for change and the reassurance that they will not be left with inferior service will facilitate the transition to new advanced networks and services."[51]

It makes more sense for carriers to provide educational materials and a hotline staffed by customer service representatives who are specifically trained to provide information on transitions, as opposed to having scores of customers who received no information contacting carriers on regular customer service lines, staffed by personnel who are required also to deal with a multitude of other issues.[52]

V. THE COMMISSION SHOULD RETAIN NETWORK CHANGE NOTICE REQUIREMENTS FOR NETWORK EQUIPMENT.

The ILECs urge the Commission to eliminate notice requirements for network changes affecting customer premises equipment ("CPE").[53] For the reasons discussed below, those proposals should be rejected.

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[50] CWA, pp. 4-5.
[51] *Id.*, pp. 2-3.
[52] Consumer Groups and RERCs, p. 11.
[53] Verizon, pp. 16-17; AT&T, pp. 8-14.

AT&T and Verizon argue that the Commission should eliminate the notices related to CPE now required under 47 C.F.R. §68.110(b).[54] 47 C.F.R.§ 68 requires that in situations where changes to a wireline provider's communications facilities, equipment, operations or procedures "can be reasonably expected to render any customer's terminal equipment incompatible with" the provider's network, will require equipment modification or materially affect use and performance, then the provider must give customers "adequate notice in writing," to allow the customer an opportunity to maintain uninterrupted service. AT&T and Verizon claim the rule is no longer required because ILECs are no longer dominant in the CPE business and there is a process under Part 68 for an independent entity (the Administrative Council for Terminal Attachments) to administer review and publication of relevant standards with which equipment manufacturers must comply.[55] AT&T and Verizon claim they cannot know all the equipment that customers are using, therefore, the rule must go.[56]

The ILEC's arguments are specious. While AT&T and Verizon cannot know every single piece of equipment that every single customer attaches to their networks, they are certainly aware of general types of equipment that are widely in use and the fact that a proposed network change could negatively impact their use. For example, it should not have been a surprise to Verizon that many types of customer equipment were incompatible with the VoiceLink fixed wireless service it attempted to substitute for wireline service in parts of New York and New Jersey following Hurricane Sandy. As is well documented in this record, and pointed out by Public Knowledge and the Center for Rural Strategies in their Comments, "Consumers found VoiceLink to be incompatible with a range of third party services they

[54] AT&T, p. 8; Verizon, p. 16.
[55] AT&T, p. 9.
[56] *Id*., pp. 9-10; Verizon, p. 16.

expected to work and could not even reliably complete 911 calls."[57] It is no secret that both Verizon and AT&T wish to retire copper facilities, discontinue legacy service and replace it with a form of wireless service - whether fixed wireless or mobile cellular service offerings. Their proposal to eliminate notice to customers could easily result in a similar debacle. Further, if customers are unaware that a network change is taking place that could either impair or render a service nonfunctional, the lack of any notice requirement raises the specter that many people will suddenly experience service failure. That would be unacceptable and potentially pose a threat to public safety if, for example, customers' means of making 911 calls were impaired or alarm or medic alert systems could not function. The Fire Island and the New Jersey Barrier Islands' experience after Hurricane Sandy shows that this is a very real possibility.

Finally, NASUCA appreciates the importance of having rules that "facilitate collaboration between disability organizations and carriers to ensure that replacement services are compatible and new services are adequately tested."[58] As noted by Consumer Groups and RERCs, the collaborative process involving disability organizations and carriers is important to ensure that in the event of network changes, carriers are aware of potential effects, and can provide interim solutions and adequate testing for new services.[59] Any revision to the Commission's rules should continue to allow for this process.

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[57] Public Knowledge and Center for Rural Strategies, p. 3.
[58] Consumer Groups and RERC, p. 7.
[59] *Id.*

VI. THE COMMISSION SHOULD REJECT PROPOSALS TO MODIFY THE WAITING PERIOD FOR SHORT-TERM NETWORK CHANGE NOTICES.

NASUCA agrees with INCOMPAS, Windstream and CWA[60] that the Commission should refrain from modifying the waiting period for short term network change notifications. AT&T proposes to modify the waiting period so that it is calculated by the date that an ILEC files its notice, rather than from the date the Commission releases its public notice.[61] As INCOMPAS argues, the Commission's rules already provide for a very short waiting period and AT&T's proposal would reduce the time period even further.[62] Windstream rightly points out that "a sufficient notice period is essential for competitive providers who use the impacted network facilities to provide service to customers."[63] In situations where "existing features and services cannot be supported on the altered network," the competitive provider has to either invest in new equipment or change the service offering for customers and provide customers with time to accommodate the service change.[64] The Commission should retain the current approach of having the waiting period for network changes be triggered by issuance of a public notice.

VIII. CONCLUSION

NASUCA supports balanced rules for pole attachments that foster innovation without sacrificing safety and reliable networks. It is equally important for the Commission to retain requirements that ensure all retail and wholesale customers are fully informed, in a timely

[60] INCOMPAS, pp. 1-3; Windstream, pp. 5-6; CWA, pp. 6-7.
[61] FNPRM, ¶ 163.
[62] INCOMPAS, p. 2.
[63] Windstream, p. 5.
[64] *Id.*, pp. 5-6.

manner, about proposals to discontinue legacy services and implement network changes that impact the availability and functioning of essential services. The Commission should continue to provide retail and wholesale customers with adequate opportunity to review and comment on such proposals.

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